

SENATE RECORD VOTE ANALYSIS

105th Congress
1st Session

Vote No. 46

April 24, 1997, 3:57 pm
Page S-3596 Temp. Record

CHEMICAL WEAPONS CONVENTION/Rogue Nation Compliance

SUBJECT: Resolution of ratification for the Convention on the Prohibition of Development, Production, Stockpiling, and Use of Chemical Weapons and on their Destruction (Treaty Doc. 103-21) . . . S. Res. 75. Biden amendment No. 47.

ACTION: AMENDMENT AGREED TO, 71-29

SYNOPSIS: S. Res. 75, a resolution of ratification for the Convention on the Prohibition of Development, Production, Stockpiling, and Use of Chemical Weapons and on their Destruction, will give the Senate's advice and consent to the Chemical Weapons Convention (CWC). (Resolutions of ratification ordinarily are not assigned numbers; in this case, by unanimous consent, the Senate considered S. Res. 75 as a substitute for the unnumbered resolution submitted by the Executive Clerk. Also by unanimous consent, the Senate did not consider amendments to the convention, it agreed by voice vote to the first 28 of 33 conditions, declarations, statements, and understandings that were in S. Res. 75, and it agreed that the only other actions in order would be motions to strike the remaining 5 conditions, declarations, statements, and understandings; see vote Nos. 46-50.)

The Biden amendment would strike condition number 30, which states: "Prior to the deposit of the United States instrument of ratification, the President, in consultation with the Director of Central Intelligence, shall certify to the Congress that countries which have been determined to have offensive chemical weapons programs, including Iran, Iraq, Syria, Libya, the Democratic People's Republic of Korea, China, and all other countries determined to be state sponsors of international terrorism have ratified or otherwise acceded to the convention."

Those favoring the amendment contended:

The Biden amendment is the first of five amendments that are going to be offered to strike five killer conditions that have been added to the resolution of ratification. The condition that would be struck by this amendment will require every rogue regime that

(See other side)

YEAS (71)			NAYS (29)		NOT VOTING (0)	
Republicans (26 or 47%)	Democrats (45 or 100%)		Republicans (29 or 53%)	Democrats (0 or 0%)	Republicans (0)	Democrats (0)
Abraham	Akaka	Johnson	Allard	Hutchison		
Bond	Baucus	Kennedy	Ashcroft	Inhofe		
Chafee	Biden	Kerrey	Bennett	Kempthorne		
Coats	Bingaman	Kerry	Brownback	Kyl		
Cochran	Boxer	Kohl	Burns	Lott		
Collins	Breaux	Landrieu	Campbell	Mack		
D'Amato	Bryan	Lautenberg	Coverdell	McConnell		
DeWine	Bumpers	Leahy	Craig	Murkowski		
Domenici	Byrd	Levin	Enzi	Sessions		
Frist	Cleland	Lieberman	Faircloth	Shelby		
Gorton	Conrad	Mikulski	Gramm	Smith, Bob		
Gregg	Daschle	Moseley-Braun	Grams	Thomas		
Hagel	Dodd	Moynihan	Grassley	Thompson		
Hatch	Dorgan	Murray	Helms	Thurmond		
Jeffords	Durbin	Reed	Hutchinson			
Lugar	Feingold	Reid				
McCain	Feinstein	Robb				
Nickles	Ford	Rockefeller				
Roberts	Glenn	Sarbanes				
Roth	Graham	Torricelli				
Santorum	Harkin	Wellstone				
Smith, Gordon	Hollings	Wyden				
Snowe	Inouye					
Specter						
Stevens						
Warner						

EXPLANATION OF ABSENCE:

- 1—Official Business
- 2—Necessarily Absent
- 3—Illness
- 4—Other

SYMBOLS:

- AY—Announced Yea
- AN—Announced Nay
- PY—Paired Yea
- PN—Paired Nay

is likely to develop and use chemical weapons to sign on to the convention before the United States will join. Those countries are not likely to ever join. Even if they were, we should not be effectively putting countries like Iraq and North Korea in charge of determining when and if the United States will join the CWC. If the United States does not join the CWC, then its chemical firms will be at a disadvantage because they will not be able to trade any of the controlled chemicals with any of the countries that are parties to the convention. More importantly, the United States will be effectively putting itself in the same class as these rogue nations, which will make it much more difficult for it to gather world support against any of them should they ever again use chemical weapons. Making, storing, and even using chemical weapons is not illegal under international law. It is only illegal to use them against an enemy in time of war. Thus, Iraq's recent gassing of its own citizens, though reprehensible, was not illegal. This convention will make it illegal. If the United States refuses to agree to the CWC, what moral authority will it have if it tries to get the world to join it in stopping future such actions by Iraq? A major purpose of this convention is to establish an international norm against chemical weapons. Our colleagues may argue that they do not think this norm is much good because they do not think it is enforceable, but the opposite side of that coin is that without a norm there is nothing to enforce. The United States cannot make every sovereign nation abide by the convention. However, by joining with the majority of countries that are willing to outlaw chemical weapons, it will be able to isolate those countries that will not join. The CWC was made in America. It was conceived by President Reagan, and President Bush finished its negotiation. At the last moment, the United States should not abandon its effort to rid the world of chemical weapons by setting the impossibly high standard that it will not join unless all the renegade countries of the world join first. The Biden amendment should therefore be passed.

Those opposing the amendment contended:

What good is a treaty against chemical weapons if its only adherents are those countries that do not have, will not get, and certainly never will use chemical weapons? The answer is obvious. Such a treaty may have public relations value, but it will not make Americans any safer. Under this treaty, the United States will be forced to pay for 25 percent of the costs of setting up a new, U.N.-style bureaucracy (with the one big difference that the United States will have much less influence than it has in the United Nations), and that bureaucracy will be able to order unlimited searches of American chemical companies for the supposed purpose of discovering chemical weapons programs. In effect, the United States will be forced to pay for other countries to come and investigate it, and no investigations of countries that are actually producing and likely to use chemical weapons will occur. If the United States ratifies the CWC, it will be the first, and perhaps the only, country that actually has chemical weapons to do so. However, lest someone think that is an accomplishment because the treaty will then make the United States get rid of its chemical weapons, we hasten to add that the United States has already decided to get rid of all its chemical weapons, with or without the CWC. Basically, if the United States joins, it will be joining an organization of 74 other countries which do not have and have no intention of ever having chemical weapons, and the United States will pay for those countries to investigate each other. No investigations will ever take place in any of the 15 countries that the Central Intelligence Agency reports have aggressive efforts to develop offensive chemical weapons capabilities. Eventually some of those countries may decide to ratify the convention, and by a remote chance they may even ratify it with the intention of then complying with its terms. However, we do not believe that it would be a much better situation to have only 10 or 11 renegade nations developing chemical weapons than it would be to have 15. We need a real worldwide ban on these weapons.

Some Senators have argued that refusing to ratify the convention will put the United States in the same category as countries like Iraq and North Korea. By their logic, if the United States were to ratify, and if Cuba and Iran, both of which have signed, were also to ratify, then the United States would be the same kind of country as they were. We think our colleagues get the point--it is no more valid to make the facile analogy that all countries that ratify are morally equivalent as it is to make the facile analogy that all countries that do not ratify are morally equivalent. The fact that it is not in the United States' interest to ratify the CWC unless (at a minimum) the really dangerous countries of the world also ratify it does not mean that the United States is a renegade nation that is likely to use such weapons.

A major claim of proponents of the CWC is that it will institute a worldwide ban on chemical weapons. The truth is that the convention will only impose a ban in some of the countries that do not have them. The condition that the Biden amendment would strike, though, will put some truth into this claim, by at least requiring all of the countries that have chemical weapons programs now to join. Assuming those countries then live up to their CWC obligations, the CWC will impose a true ban, at least among governments. If our colleagues really believe that this condition will kill any chance of the United States joining the CWC, then they must believe that there is no chance that countries that have chemical weapons will ever join. They must believe that the CWC can never amount to more than a public relations stunt. If that is what Senators truly believe, and if they think that it is a worthy goal, then they should vote for the Biden amendment. We do not think we should vote for a public relations stunt that pretends to ban chemical weapons, so we will vote against it.